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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 255 of 2005

Between:

Smt. S. Saradamma W/o Lakshminarasaiah
R/o Musali Madugu Village, Kothapalli Mandal, Kurnool District

.... PETITIONER

AND

1 The Joint Collector, Kurnool district
2 The Revenue Divisional Officer, Kurnool
3 The Mandal Revenue Officer, Kothapalli Mandal, Kurnool District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or direction preferably in the nature of Writ of Mandamus declaring the action of the 2nd respondent in suspending the petitioner's authorization for the Fair Price shop dealer of Musali Madugu Village, Kothapalli Mandal Kurnool district by issuing impugned Suspension order in Rc. B 636/2004, dt 06-07-2004 on flimsy and untenable grounds only yielding to the political pressures and further action of the 1st respondent in not disposing the appeal filed by the petitioner, as illegal arbitrary and violative Article 14 19, 21 of constitution of India and consequently set aside the abovestated impugned proceedings of the 2nd respondent with further directions to the respondents to continue the petitioner as Fair Price Shop dealer of Musali Madugu Village, Kothapalli Mandal, Kurnool District and pass such other order or orders

Counsel for the Petitioner:MR.K.RATHANGA PANI REDDY

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

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ORDER:

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The petitioner was appointed as a fair price shop dealer about 10 years ago, by the 2nd respondent. Her authorization was suspended by the 2nd respondent through proceedings dated
06-07-2004, on the basis of certain allegations. The petitioner preferred appeal before 1st respondent against the order of suspension. She complains that the 1st respondent has not passed any orders so far, either in the application for stay, or in the appeal, though almost six months have elapsed. She seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

Aggrieved by the order of suspension, dated 06-07-2004, the petitioner availed the remedy under Clause 20 of the Andhra Pradesh Public Distribution System Control Order, 2001. She also filed an application for stay. The petitioner categorically states that the 1st respondent has not passed any order so far, either in the appeal or in the stay application. The suspension ordered by the 2nd respondent was pending enquiry. The record does not disclose that the 2nd respondent has either issued the show cause notice, or passed any final orders. Mere pendency of the appeal preferred by the petitioner is not at all an impediment for the 2nd respondent to proceed with the enquiry. Prolonged suspension without passing final orders tends to become a penalty by itself.

In **Joint Collector, Kurnool Vs.A.Neelima**, this Court took the view that suspension pending enquiry, for a period, exceeding three months, cannot be sustained, except where extraordinary circumstances exist. In the instant case, almost six months have elapsed, and the delay is not at all attributable to the petitioner.

Hence, the writ petition is allowed, and the order of suspension dated 06-07-2004, passed by the 2nd respondent is set aside. In view of the same, the appeal preferred by the petitioner before the 1st respondent becomes infructuous, and it shall not be

necessary for him to pass any orders therein. This order does not preclude the 2nd respondent from passing appropriate orders in the proceedings initiated against the petitioner, duly following the procedure prescribed by law. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.27-01-2005

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To

1 The Joint Collector, Kurnool district
2 The Revenue Divisional Officer, Kurnool
3 The Mandal Revenue Officer, Kothapalli Mandal, Kurnool District

4 2 CCs to G.P for Civil Supplies, High Court Bldgs,Hyd. (OUT)

5 2 CD copies